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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,127	09/17/2003	Daniel A. Martinez	DP-310001	3466

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DELPHI TECHNOLOGIES, INC.
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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,127

Applicant(s)

MARTINEZ ET AL.

Examiner

Laura B. Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04; 9/17/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
the application number of related application 10/664,128, should be included in the specification (page 1, line 7; page 6, line 8);
the last paragraph beginning on page 2 and continuing onto page 3, and the first full paragraph on page 3 are identical.
Appropriate correction is required.

Claim Objections

2. Claim 16 is objected to because of the following informalities: "it" should be changed to --said flux deflector-- (line 5). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 1, two magnets have been presented as being fixedly secured to the anchor (lines 2-3, 8). It is unclear if there are actually two magnets, and if so how the second magnet fits into the claimed invention, or if there is only one magnet and its characteristics have been claimed twice. Further,

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with regards to "said magnet" in lines 9-10, it is unclear which of these two magnets are being referred to. For the purposes of examination, the examiner has assumed, based on the details of the specification, that there is only one magnet and that the second description of "a magnet fixedly secured to said anchor" is merely redundant to the first.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, 8, 16-20, 22, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Skofljanec et al. (6,419,199). In regards to claim 1, 2, 4, and 8, Skofljanec et al. disclose a universal anchor (including #7) for a vehicle comprising:

- Magnet (including #21) fixedly secured to an anchor portion (in the alternative configuration disclosed in column 6, lines 46-50) defining an opening (including middle portion of U-shaped anchors, best seen in figure 1, and #25, best seen in figure 2)
- Flux deflector (including #13) movably mounted to the anchor and able to move in a range defined by a first position (best seen in figure 3a) and a second position (best

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seen in figure 3b), the flux deflector effectively blocking the opening when in the first position (best seen in figure 3a)

- Sensing switch (including #19) able to detect the magnetic field of the magnet, the magnetic field increasing as the flux deflector moves from the first position toward the second position and the sensing switch providing a detectable signal (including "locking signal") when the magnetic field is increased (columns 6-9)
- Sensing switch comprising a Hall effect device (including #19) positioned to sense the magnetic field of the magnet
- Detectable signal being received by a controller of an airbag module, suppressing the operation on an airbag module in response to this signal (best described in the Background of the Invention section)
- Movement of the flux deflector from the first position is detected by the sensing switch (columns 6-9)

In regards to claims 16-18, Skofljanec et al. disclose a method for determining whether a securement member (including #3) of a child seat (including #1) is secured to a universal anchor (including #7) of a vehicle comprising:

- Positioning a detecting device (including #15) on the universal anchor, the detecting device comprising a flux deflector (including #13) that effectively blocks an opening (including middle portion of U-shaped anchors, best seen in figure 1, and #25, best seen in figure 2) of the anchor when the flux deflector is in a first position (best seen in figure 3a)

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- Providing a signal (including “locking signal”) to a controller (including #17) when the flux deflector is moved from the first position, wherein the movement is caused by engaging a securement member (including #3) on the anchor and allows a magnetic field of a magnet (including #21) to increase
- Detecting device further comprising a sensing assembly (including #19) positioned to provide the signal when the magnetic field of the magnet increases (columns 6-9)
- Sensing assembly further comprising a Hall effect device and related circuitry (including #19) and the controller suppresses the operation on an airbag module in response to the signal received from the sensing assembly (best described in the Background of the Invention section)

In regards to claim 19, 20, 22, and 28, Skofljanec et al. disclose a detection device (including #15) for a universal anchor (including #7) of a vehicle comprising:

- Movable member (including #13) movably mounted within an opening (including middle portion of U-shaped anchors, best seen in figure 1, and #25, best seen in figure 2) defined by the anchor and able to move within a range defined by a first position (best seen in figure 3a) and a second position (best seen in figure 3b)
- Opening is effectively blocked by the movable member when the movable member is in the first position (best seen in figure 3a)
- Movable member further comprising an actuating end (for example, upper end of #13) and a detection end (for example, lower end of #13)
- Magnet (including #21) disposed on the detection end of the movable member

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- Sensing device (including #19) able to detect the magnetic field of the magnet and provide a signal indicative of the position of the movable member (columns 6-9)
- Sensing device further comprising a Hall effect device (including #19) positioned to sense the magnetic field of the magnet (columns 6-9)
- Signal is received by a controller of an airbag module (best described in the Background of the Invention section)
- "Stopping member" (for example, nose of #3) able to make contact with the actuating end when the movable member is in the first position (best seen in figure 3a)

7. Claims 16-24 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Haas et al. (6,831,537). In regards to claims 16-18, Haas et al. disclose a method for determining whether a securement member (including #210) of a child seat (including #200) is secured to a universal anchor (including fastening clips on crossbar) of a vehicle comprising:

- Positioning a detecting device (best seen in figure 1A) on the universal anchor, the detecting device comprising a flux deflector (including #2, 3, 10) that effectively blocks an opening (opening not specifically shown, but since the lever #10 is moved by securement member #210 when securement member is installed on fastening clips, then lever would effectively block the opening to which the securement member is fed into in the first position) of the anchor when the flux deflector is in a first position (including #P1)

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- Providing a signal to a controller (via #40; column 3, lines 59-61) when the flux deflector is moved from the first position (column 4, lines 37-49), wherein the movement is caused by engaging a securement member (including #210) on the anchor and allows a magnetic field (including #B) of a magnet (including #5) to increase (columns 3-4)
- Detecting device further comprising a sensing assembly (including #8) positioned to provide the signal when the magnetic field of the magnet increases (for example, column 3, lines 35-37)
- Sensing assembly further comprising a Hall effect device and related circuitry (including #8; column 4, line 61) and the controller suppresses the operation on an airbag module in response to the signal received from the sensing assembly (column 4, lines 37-49)

In regards to claim 19-24 and 27-28, Haas et al. disclose a detection device (best seen in figure 1A) for a universal anchor (including fastening clips on crossbar) of a vehicle comprising:

- Movable member (including #2, 3, 10) movably mounted within an opening (opening not specifically shown) defined by the anchor and able to move within a range defined by a first position (including #P1) and a second position (including #P2)
- Opening is effectively blocked by the movable member when the movable member is in the first position (opening not specifically shown, but since the lever #10 is moved by securement member #210 when securement member is installed on

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fastening clips, then lever would effectively block the opening to which the securement member is fed into in the first position)

- Movable member further comprising an actuating end (for example, including #10) and a detection end (for example, including #3)
- Magnet (including #5) disposed on the detection end of the movable member (best seen in figure 3)
- Sensing device (including #8) able to detect the magnetic field of the magnet and provide a signal indicative of the position of the movable member (columns 3, 4)
- Sensing device further comprising a Hall effect device (including #8; column 4, line 61) positioned to sense the magnetic field of the magnet
- Movable member is biased into the first position (via #4) and must be moved from the first position to allow a hook (for example, ends of #210) to engage the anchor
- Signal is received by a controller of an airbag module (column 4, lines 37-49)
- Actuating end travels in a first direction (for example, towards the right as seen in figures 1A, 2) and the detection end travels in a second direction (for example, towards the left as seen in figures 1A, 2) when the movable member moves from the first position, the first direction being opposite the second direction
- Stopping member (including stop on housing half #11) able to make contact with the actuating end when the movable member is in the first position (column 3)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al. (6,831,537) in view of Skofljanec et al. (6,419,199). Haas et al. disclose a universal anchor for a vehicle as set forth in the rejection above. Haas et al. disclose the magnet being fixedly secured to the flux deflector and the sensing switch being secured to the anchor, as opposed to the magnet being fixedly secured to the anchor. It would have been obvious to one skilled in the art at the time that the invention was made to modify the universal anchor of Haas et al. such that it comprised a magnet fixedly secured to the anchor as claimed since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. Further, Skofljanec et al. teach the magnet and sensing switch being reversed between location on the flux deflector and location on the anchor. This reversal of parts would broaden the usage of the detecting device for various vehicle configurations.

Allowable Subject Matter

10. Claims 10, 11, 14, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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11. Claims 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gimbel et al., Hamada et al., Kraft et al., Hayden et al., and Baskin et al. each disclose a detection device for a child seat anchor securement assembly.

Gamboa discloses an airbag deactivation buckle for use with a child seat.

Brown et al. and Husby et al. each disclose a Hall effect locking indicator for use with a seat belt.

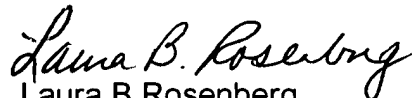
Kaijala et al. and Stanley et al. each disclose a tension sensor with a magnet that controls airbag deployment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR


DAVID R. DUNN
PRIMARY EXAMINER
8/22/05